

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES DUKES	:	CIVIL ACTION
<i>Petitioner, pro se</i>	:	
	:	
	:	NO. 18-0383
TAMMY FERGUSON, et al.	:	
<i>Respondents</i>	:	

ORDER

AND NOW, this 30th day of June 2021, upon consideration of the Report and Recommendation issued by United States Magistrate Judge Henry S. Perkin, [ECF 21], to which no objections were filed by Petitioner James Dukes (“Petitioner”), and after a careful and independent review of the record, it is hereby **ORDERED** that:

- (1) The Report and Recommendation is **APPROVED** and **ADOPTED**;¹
- (2) The petition for a writ of *habeas corpus* is **DISMISSED**, with prejudice, without an evidentiary hearing;
- (3) There is no probable cause to issue a certificate of appealability; and
- (4) The Clerk of Court shall mark this matter **CLOSED**.

BY THE COURT:

/s/ Nitzia I. Quiñones Alejandro
NITZIA I. QUIÑONES ALEJANDRO
Judge, United States District Court

¹ On March 31, 2021, Magistrate Judge Perkin issued a well-reasoned thirty-one page Report and Recommendation (“R&R”), in which he recommends that the *pro se* Petitioner’s writ of *habeas corpus* petition asserting various claims for insufficiency of evidence, ineffective assistance of counsel, and prosecutorial misconduct, be denied. [ECF 21]. Despite the expiration of time to file objections, Petitioner has not filed any objections to the R&R. In the absence of any objections, the R&R is reviewed under the “plain error” standard. *See Facyson v. Barnhart*, 2003 WL 22436274, at *2 (E.D. Pa. May 30, 2003). Under this plain error standard of review, an R&R should only be rejected if the magistrate judge commits an error that was “(1) clear or obvious, (2) affect[ed] substantial rights, and (3) seriously affected the fairness, integrity or public reputation of judicial proceedings.” *Leyva v. Williams*, 504 F.3d 357, 363 (3d Cir. 2007) (internal quotations and citations omitted). Here, after a thorough independent review of the record and the R&R, this Court finds no error was committed by the Magistrate Judge and, therefore, approves and adopts the R&R in its entirety.